

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RANDALL WATKINS,

Case No. 24-CV-0148 (PJS/DTS)

Petitioner,

v.

ORDER

LISA STENSETH,

Respondent.

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Petitioner Randall Watkins, a state prisoner, filed a habeas petition under 28 U.S.C. § 2254. On June 28, 2024, Magistrate Judge David T. Schultz issued a Report and Recommendation (“R&R”) recommending the denial of Watkins’s § 2254 petition. After receiving no objection, the Court adopted the R&R and dismissed Watkins’s § 2254 petition on August 6, 2024. ECF No. 12. The Court entered judgment the next day. ECF No. 15. Watkins later moved to terminate his habeas petition and asserted that he never received the R&R. ECF Nos. 16–17. The Court construed the motion as requesting that this case be stayed and, so construed, denied it. But the Court also reopened this case and extended Watkins’s deadline for objecting to the R&R until October 7, 2024. ECF No. 19.

That deadline has now passed, and Watkins did not file an objection. Instead, he filed another motion to terminate his habeas petition. To the extent Watkins seeks to stay this case, his motion is denied for the reasons stated in the Court’s previous order.

See ECF No. 19. To the extent Watkins seeks to withdraw his habeas petition altogether, the motion is also denied. Respondent filed a response to Watkins's habeas petition in March and Judge Schultz issued an R&R recommending dismissal of Watkins's petition in June. It would be inequitable to allow Watkins to voluntarily withdraw his petition after it has been pending for many months, has been answered, and has resulted in an adverse R&R. Watkins's motion is therefore denied and, as Watkins did not object to the R&R, the Court adopts it and dismisses Watkins's habeas petition.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The Court ADOPTS the R&R [ECF No. 11].
2. Petitioner's habeas petition [ECF No. 1] is DENIED.
3. No certificate of appealability shall issue.
4. Petitioner's motion to terminate [ECF No. 20] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 9, 2024

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge  
United States District Court